

Commercial Scup Fishery; Summary of Regulations:



The following is a summary of the regulations that apply to the Exclusive Economic Zone (EEZ), north of 35° 15.3' north latitude (the latitude of Cape Hatteras Light, North Carolina) and is not a substitute for the actual regulations:

PERMITS:

Any vessel that fishes for scup in the EEZ (Federal waters) must have a valid scup permit, except for recreational vessels. There are two types of scup vessel permits:

- C **Charter and Party Permit:** All charter and party vessels must have this scup permit if carrying passengers for hire.
- C **Moratorium Permit:** Vessels must have a scup moratorium permit to retain any amount of scup for sale.

Vessel owners do not need a scup moratorium permit if no sale of scup occurs and the vessel adheres to the established possession limits. A vessel owner with both a scup moratorium permit and charter and party permit may not fish under the terms of both permits at the same time. The operator of any vessel issued one of the above permits must also have a valid vessel operator's permit.

QUOTA:

An annual commercial quota will be established by the Mid-Atlantic Fishery Management Council and allocated into three harvest periods:

<u>Harvest Period</u>	<u>Months</u>	<u>Percentage of Annual Harvest</u>
Winter I	January to April	45.11 %
Summer	May to October	38.95 %
Winter II	November to December	15.94 %

The quota is applied coastwide; all scup landed for sale are applied against the quota regardless of where they were harvested. Up to three percent of the quota may be set aside for research purposes.

The National Marine Fisheries Service (NOAA Fisheries) monitors the harvest of the commercial scup quota and closes the EEZ to commercial scup fishing when data indicate the quota has been harvested. Weekly landings reports are available at: www.nero.noaa.gov.

GEAR RESTRICTIONS:

Otter Trawlers with a scup moratorium permit may possess **500** pounds or more of scup from

November 1 through April 30, or 100 pounds or more of scup from May 1 through October 31, unless fishing with nets that have a minimum mesh size of **4.5-inch diamond mesh** for no more than 25 continuous meshes forward of the terminus of the codend, and with at least 100 continuous meshes of 5.0-inch mesh forward of the 4.5-inch mesh, and all other nets are properly stowed. For trawl nets with codends (including the extension) less than 125 meshes the entire trawl net must have a minimum mesh size of 4.5 inches throughout the net. Scup on board these vessels shall be stowed separately and kept readily available for inspection.

NET MODIFICATIONS:

No fishing vessel shall use any device on the top of the net except one splitting strap and one bull rope of line not more than 3 inches in diameter, and one rope no greater than 0.75 inches in diameter extending the length of the net from the belly to the codend along the top, bottom, and each side of the net.

MESH OBSTRUCTION OR CONSTRICTION:

A fishing vessel shall not use any method to block meshes of the net or cause the mesh size to decrease to a size smaller than the minimum size established above. The bars entering or exiting the knots may not twist around each other.

NET STOWAGE:

For vessels subject to the minimum mesh size requirements above, any net on board that does **not** meet the above mesh requirements must be stowed properly as follows:

- C Net stowed below the main working deck, with towing wires detached, and the net folded, **or**
- C Net stowed on deck, with towing wires detached, net folded, and fastened to the deck or rail, **or**
- C Net stowed on reel, covered with canvas, with towing wires detached, and codend removed and stored below deck, **or**
- C Another method authorized in writing by the NOAA Fisheries Regional Administrator (RA).

POTS AND TRAPS:

Scup pots and traps must have degradable hinges, escape vents, and identification, as follows:

Degradable hinges made with:

- C Untreated hemp, jute, or cotton string of 3.16-inch diameter or less, **or**
- C Magnesium alloy, pop-up devices or similar magnesium alloy fasteners, **or**
- C Ungalvanized or uncoated iron of 0.094-inch diameter or less.

Escape vents:

- C Circular escape vent with 3.1-inch minimum diameter, **or**
- C Square escape vent with sides of 2.25-inch minimum length, **or**
- C Rectangular escape vent of equivalent size.

Identification:

- C Marked with state identification (home port state), **and/or**
- C Marked with number assigned by the RA.

MINIMUM FISH SIZES:

For scup moratorium permit holders, the minimum size is **9 inches total length**.

For non-moratorium permit holders, the minimum size is **10 inches total length**.

For charter and party vessels, the minimum size is **10 inches total length**.

Note: The **total length** is the straight-line distance from the tip of the snout to the end of the tail while the fish is lying on its side (Figure 1).

POSSESSION LIMIT:

Vessels with a scup moratorium permit that are **not** fishing in compliance with the above mesh requirements, may keep no more than 500 pounds of scup from November 1 to April 30, and may keep no more than 100 pounds of scup from May 1 to October 31. No more than 50 scup are allowed to be possessed by any person unless that person is the owner or operator of a vessel that has a scup moratorium permit. Scup harvested by a vessel with a moratorium or charter/party scup permit may not be landed with the skin removed.

REPORTING REQUIREMENTS:

The owner or operator of any vessel issued a scup moratorium permit shall maintain on board the vessel and submit an accurate Federal fishing vessel trip report (VTR) for all fishing trips (regardless of species retained). In the future these reports may be submitted electronically if authorized by the RA. Instructions for completing the VTR can be found at:
<http://www.nero.nmfs.gov/ro/fso/vtr.htm>.

If the owner of a party or charter boat is issued only a scup charter/party permit, and is carrying passengers for hire, then they must complete a VTR for each trip on which they land scup.

Log reports must be received by NOAA Fisheries or postmarked within 15 days after the end of the reporting month. Copies of reports must be retained on board the vessel for 1 year after the date of the last entry on the log. If no fishing activity took place during a fishing month, then a VTR must be submitted stating that no fishing trips were taken.

Any change in the permit information such as vessel name, vessel owner, address, etc., must be submitted in writing to the RA within 15 days of the change, or the permit is void.

Federally permitted dealers shall report weekly via the interactive voice response system (IVR) to report landings of scup. Instructions for this reporting system can be found at:
<http://www.nero.nmfs.gov/ro/fso/quota.htm>.

Note: NOAA Fisheries is expecting to implement a new Dealer Electronic Reporting system on May 1, 2004. The proposed rule for this reporting requirement was published in the Federal Register on January 21, 2004 (69 FR 2870).

REQUIREMENTS FOR SALE/PURCHASE:

Scup may be sold only to persons possessing a valid scup dealer permit. Scup must be purchased only from vessel owners possessing a valid scup moratorium permit.

PERMIT RENEWAL:

To be eligible for a moratorium permit for scup, a vessel must have been issued a moratorium permit in a previous year, or be replacing a vessel that was issued a moratorium permit for a previous year. No one may apply for a scup moratorium permit after the owner retires the vessel from the fishery.

TRANSFER AT SEA:

The owner or operator of a vessel issued a Federal scup permit may transfer at sea scup taken in or from the EEZ portion of the Scup Management Unit, provided:

- The transfer occurs between two vessels with Federal scup permits;
- The transfer occurs seaward of a boundary line that begins at 40°50' N. lat., 70°00' W. long., and runs south to connect points at 40°15' N. lat., 73°30' W. long.; 37°50' N. lat., 75°00' W. long.; and 35°30' N. lat., 75°00' W. long. (Figure 2);
- The donating and receiving vessels possess gear that meets the requirements for commercial scup fishing gear;
- The transfer occurs in the Winter I or Winter II periods of the scup fishing year;
- There is only one transfer per fishing trip for the donor vessel;
- The donor vessel removes only enough scup from the net to attain the scup possession limit;
- After removal of scup from the net by the donor vessel, the entire codend, with all its contents, is transferred to the receiving vessel;
- Only scup, in an amount not to exceed the possession limit, are retained by the receiving vessel;
- While fishing for scup, all other nets are properly stored; and
- The donating and receiving vessels report the transfer amount on the VTR for each vessel.

REPLACEMENT VESSELS:

To be eligible for a moratorium permit, the replacement vessel must meet the following criteria:

- C The replacement vessel's horsepower may not exceed by more than 20 percent the horsepower of the vessel that was initially issued a moratorium permit as of January 2, 1998;
- C The replacement vessel's length, gross registered tonnage, and net tonnage may not exceed by more than 10 percent the length, gross registered tonnage, and net tonnage of the vessel that was initially issued a moratorium permit as of January 2, 1998;
- C The vessel's size (length, gross registered tonnage, and net tonnage) may be increased (upgraded) through replacement only once. If any one of these specifications is increased, any increase in the other two must be performed at the same time; and
- The vessel's horsepower may be increased (upgraded) through replacement only once.

Note: Size and horsepower increases can be done independently of one another.

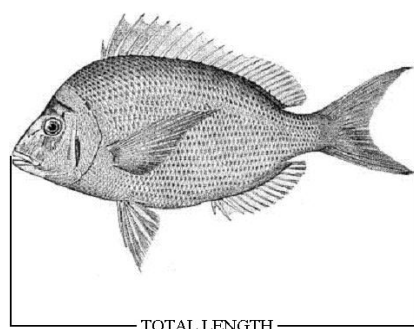


Figure 1. Scup total length.

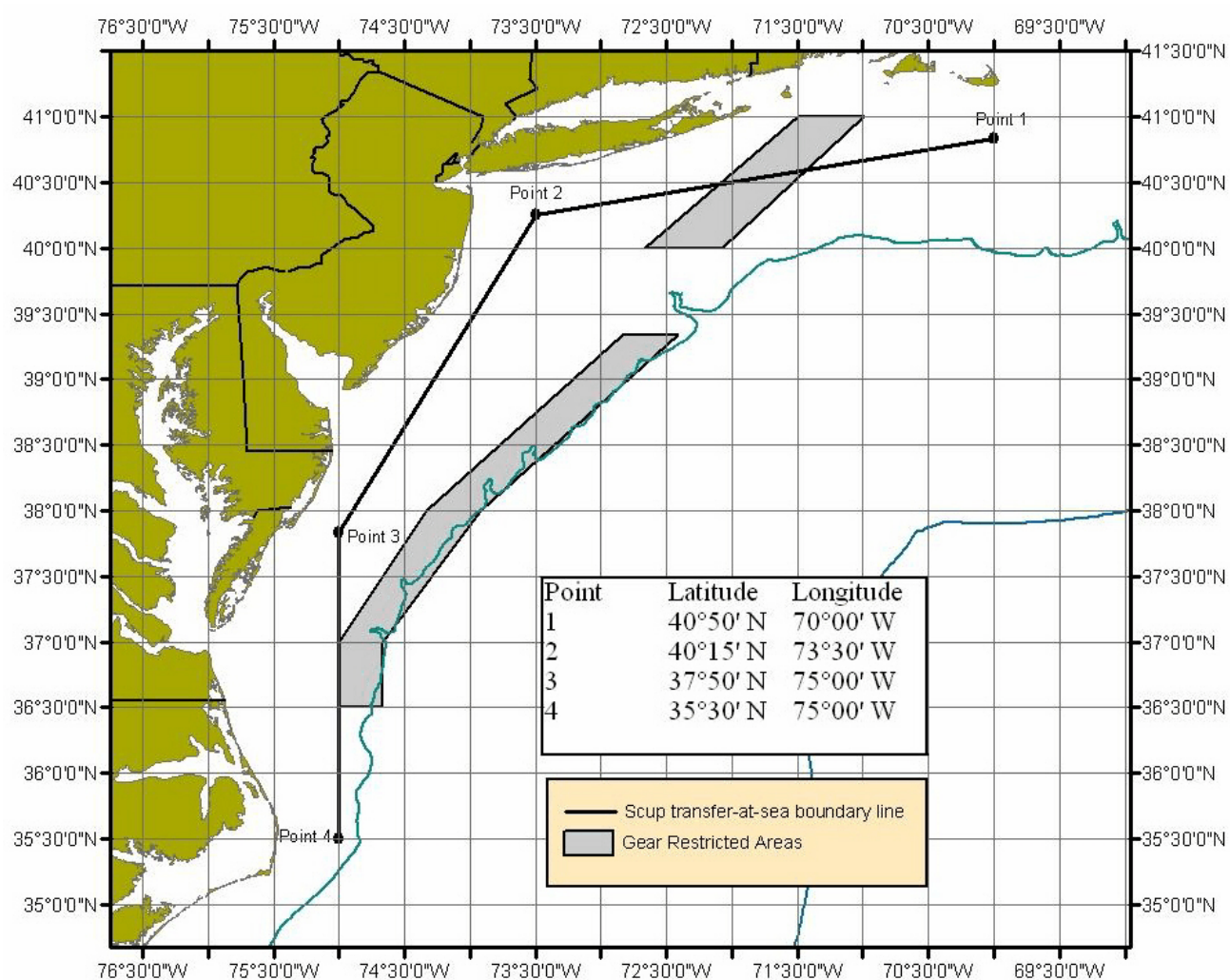


Figure 2. Shoreward boundary for scup transfer at sea, as established under Coast Guard consultation. All transfers will occur seaward of the boundary line.